

EDO Principal Correspondence Control

FROM: DUE: 11/19/02 EDO CONTROL: G20020576
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FINAL REPLY:

Thomas Saporito
National Environmental Protection Center

TO:

Travers, EDO

FOR SIGNATURE OF : ** GRN **

CRC NO:

Virgilio, NMSS

DESC:

ROUTING:

2.206 - Non-Hostile Work Environment

Travers
Paperiello
Kane
Norry
Craig
Burns/Cyr
Skay, NRR
Goldberg, OGC

DATE: 10/08/02

ASSIGNED TO: CONTACT:

NMSS

Virgilio

SPECIAL INSTRUCTIONS OR REMARKS:

Template: EDO-001

ERLs: EDO-01



NATIONAL ENVIRONMENTAL PROTECTION CENTER

October 1, 2002

William D. Travers
Executive Director for Operations
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

RE: PUBLIC PETITION TO NRC UNDER 10 C.F.R. 2.206
GE Medical Systems/Saporito/4-1050-02-054; and
Adecco Technical/Saporito/4-1050-02-055

Dear Executive Director Travers:

The National Environmental Protection Center ("NEPC") by and through its undersigned Executive Director submit this public petition to the U.S. Nuclear Regulatory Commission ("NRC") under 10 C.F.R. 2.206 requesting certain and specific actions by the NRC as delineated below:

REQUESTS FOR NRC ACTION UNDER 10 C.F.R. 2.206

REQUEST #1

NEPC requests that NRC require Adecco, Inc. ("Adecco") inclusive of all Adecco affiliates and subdivisions including Adecco Technical to affirm under oath that it maintains non-hostile work environments in compliance with 10 C.F.R. 50.7 at all of its operations and facilities regulated and/or licensed by NRC.

REQUEST #2

NEPC requests that NRC issue directives to all NRC Regional Administrators requiring NRC inspection activities at all NRC licensed facilities owned, operated, contracted, or managed by Adecco or Adecco affiliates to determine if a hostile work environment exists in violation of NRC requirements, NRC regulations, and/or 10 C.F.R. 50.7.

REQUEST #3

NEPC requests that NRC require Adecco to provide written documentation detailing employee concerns programs in effect at all Adecco facilities licensed by NRC; and that NRC analyze and evaluate Adecco's employee concerns programs to ensure that they provide a confidential means for employees to raise safety and health concerns to Adecco management and/or NRC.

REQUEST #5

If Adecco does not incorporate any or some employee concerns programs responsive to REQUEST #4 above, NEPC requests that NRC require Adecco to implement such a program at all of its operations and facilities licensed by NRC.

BASIS FOR REQUESTS #2, #3, #4, AND #5

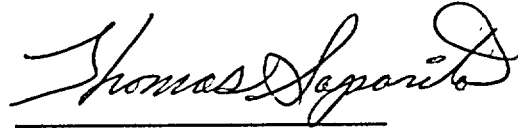
The NRC places a high value on nuclear industry employee's freedom to raise potential safety concerns both to licensee management and to the NRC without fear of reprisal or actual harassment and intimidation. Section 211 of the Energy Reorganization Act (ERA), as amended and 10 CFR 19.20, 30.7, 40.7, 50.7, 60.9, 61.9, 70.7, 72.10, and 76.7 provide that no employer may discharge or otherwise discriminate against any employee with respect to compensation, terms, conditions, or privileges of employment because the employee engaged in certain protected activities. These protected activities include notifying an employer of an alleged violation of the Atomic Energy Act or the ERA, refusing to engage in any practice made unlawful by those acts, testifying before Congress or in a Federal or State proceeding regarding any provision of these acts, or commencing, testifying, assisting, or participating in any manner in a proceeding under these acts. Licensees and contractors are responsible for ensuring that they do not discriminate against their employees for engaging in such protected activities. Licensees and contractors that discriminate against their employees who engage in protected activities are subject to sanctions by the NRC. These sanctions include notices of violation (NOVs) and civil penalties (CPs). In addition, under the Deliberate Misconduct Rule (see 10 CFR 30.10 and 10 CFR 50.5) licensee and contractor employees, including senior managers, are subject to sanctions by the NRC for discrimination against other employees who engage in protected activities. These sanctions include orders barring individuals from NRC licensed activities.

Adecco does not facilitate any employee concerns program for its contract workforce at the GE Medical Systems, Jupiter, Florida facility, which would provide its employees the ability to "confidentially" raise environmental safety and health concerns to Adecco and/or GE management. Therefore it is reasonable to surmise that Adecco does not have any employee concerns programs in effect at any of its operations or facilities licensed by NRC. If Adecco does not maintain effective employee concerns programs at its operations and/or facilities licensed by NRC, a hostile work environment similar to that described in the above-styled OSHA complaints may exist in violation of NRC regulations and in violation of any NRC license held by Adecco. Such a situation would be a significant safety and health concern and a matter of public policy requiring NRC to act. Moreover, in the above described OSHA proceedings, Adecco management actually engaged in the retaliation of Complainant and failed to take any actions to abate that conduct even after the Complainant put GE management on notice complaining of a hostile work environment. Notably, Greg Bradley a manager at Adecco was directly involved and actually took part in the retaliation against the Complainant. Indeed, the culture at Adecco prohibits employees from raising environmental safety and health concerns outside the Adecco "chain-of-command" and subject employees to discipline and discharge for doing so. Therefore, it is more likely than not, that Adecco management at its NRC licensed operations and/or facilities maintain similar cultures and similar requirements on the workforce prohibiting and dissuading employees from raising environmental and nuclear safety and health concerns for fear of retaliation and discharge. Such a culture condoned by Adecco management would violate NRC regulations and requirements described above.

Enclosed herewith is Internet job postings on the Adecco Internet job site. One of these jobs postings seek to recruit a Field Service Engineer-Nuclear, and a second job posting seeks to recruit a Quality Engineer/Nuclear Contain. Notably, the latter job posting seeks to recruit a Quality Engineer for a Nuclear Container oversight project under NRC requirements at 10 C.F.R. 71. Even more concerning is the fact that the latter job posting seeks to fill a vacancy at a General Electric Company facility at the GE Nuclear Onsite office. Indeed, GE is also identified in the above-captioned OSHA employment discrimination complaints and GE is also the subject of a prior NEPC 10 C.F.R. 2.206 NRC Petition for agency action.

WHEREFORE, NEPC requests that NRC act on its 10 C.F.R. 2.206 Petition in a timely manner in the interest for the environment, the general public, and Adecco employees and Adecco contract workers.

Respectfully submitted,



Thomas Saporito
Executive Director, NEPC

CC: Julio Arrieta
Chief Executive Officer
Adecco, Inc.
175 Broad Hollow Road
Melville, NY 11747

Dennis D. Russell
Supervisory Investigator
U.S. Department of Labor
Occupational Safety and Health Administration
Atlanta Federal Building
61 Forsyth Street, 6T50
Atlanta, Georgia 30303

JOB SEARCH engine

POSITION DETAILS

Field Service Engineer-Nuclear

Office: Cincinnati, OH (105444)

Category: Engineering

Description: Adecco Technical currently has a permanent position for a Field Service Engineer in the Nuclear industry. In this position you will be responsible for installing, maintaining, and repair nuclear level, density, and belt scale gauges in customer facilities. Must have experience in process industry-oil, nuclear-etc. Willing to travel is a MUST as well. Compensation is based on experience. Base salary plus commission and bonuses. Duties include: Conduct on-site training schools for the customer, work with customers to troubleshoot and repair equipment, and understand processes and process control. An associate degree in electronics or equivalent experience is required. Worldwide and domestic travel also required. Relocation may be necessary.

Please fax or email your resume to the Attn of Christy DiVenere at christy.divenere@adeccona.com or fax it to 513-769-9855.

Location Cincinnati, OH

Minimum Experience
(yrs): 2

Required Education: Associates



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JOB SEARCH engine

POSITION DETAILS

Quality Engineer/Nuclear Contain

Office: GE Nuclear Onsite (106020)

Category: Engineering

Description: Nuclear Container Quality Engineering oversight of efforts to design and fabricate nuclear containers under 10CFR71, Subpart H. Responsibilities will include:

Conduct surveillance and audits of supplier performance (Mfg, QA, DE)

Perform source inspections, including reviewing certification paperwork

Assist receiving inspection to ensure quality requirements for the product and of suppliers are met

Help resolve quality deviations in accordance to Subpart H requirements

Assist Design Engineering in understanding and meeting Subpart H requirements

Make recommendations on improvements to compliance to 10CFR71, Subpart H

Actively assist in answering NRC requests for data and information

Training and supplier personnel in 10CFR71, Subpart H

Review and supplier procedures (MFG, QA, DE) for compliance to 10CFR71

Required Qualifications:

5 years (min) work experience with nuclear containers under 10CFR71, Subpart H

BS Engineering degree (Mechanical, Materials, Nuclear or Metallurgical)

Desired Qualifications:

Certified auditing experience

Certified Level II or III experience in visual and mechanical inspection

Certified Level II experience in LP / PT and Radiography

Welding experience

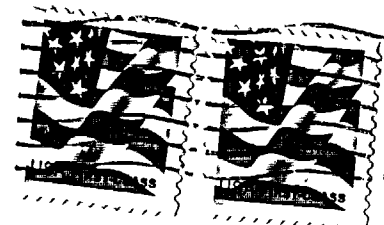
Metal fabrication experience

Location Wilmington , NC

Minimum Experience (yrs): Not Specified

Required Education: Not Specified

National Environmental Protection Center
P.O. Box 1234
Buckeye, AZ 85326



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Executive Director for Operations
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